

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY

SHAUN LEE MARTIN,

Petitioner,

v.

Civil Action No. 5:09-cv-0684

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending before the court is Petitioner's Motion Seeking U.S. District Court Order Clarifying Jail Time Credit. (Doc. No. 1). By Order entered on June 17, 2009, the District Court for the Northern District of West Virginia construed Petitioner's "Motion Seeking U.S. District Court Order Clarifying Jail Time Credit" as a Section 2241 Petition and transferred this matter to this District as Petitioner was incarcerated at FCI Beckley. (Doc. No. 2). By Standing Order, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge VanDervort submitted to the court his findings and recommendation ("PF&R") on April 25, 2012, in which he recommended that the court dismiss the Petitioner's Section 2241 Application as moot and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation.<sup>1</sup> The failure of any party to file such objections within the time allotted constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Neither party filed any objections to the Magistrate Judge's PF&R. As such, the court hereby **ADOPTS** the Magistrate Judge's PF&R, **DISMISSES** Petitioner's Application under 28 U.S.C. § 2241, and **REMOVES** this matter from the court's docket.

The Clerk is directed to send copies of this Memorandum Opinion and Order to Petitioner, pro se, and counsel of record.

**IT IS SO ORDERED** on this 18th day of July, 2012.

ENTER:



David A. Faber  
Senior United States District Judge

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<sup>1</sup>The court notes that on May 7, 2012, the mail was returned as undeliverable. The mail was not resent to Petitioner, as no current address was available. The court further notes that the Bureau of Prisons' Inmate Locator indicates that Petitioner was released from custody on July 29, 2010.